

**Minutes of the Waukesha County Criminal Justice Collaborating Council
Executive Committee
June 15, 2009**

Judge Davis called the meeting to order at 8:06 a.m.

Present: Judge Mac Davis (Chair), Dan Vrakas, Sam Benedict, Peter Schuler, Jim Dwyer, Brad Schimel.

Also present: Dick Manke, Bonnie Morris, Keith Swartz.

Approval of Minutes from May 11, 2009 Meeting

The minutes of May 11, 2009, were approved with unanimous consent.

Review & Consider Motion to Approve Recommendations from Alcohol Workgroup

Davis distributed and reviewed a handout titled *Sentencing Options for OWI Offenders*. He said the Alcohol Workgroup was comprised of a good cross-section of community members from the Public Defenders' Office, Addiction Resource Council, WCS, CJCC, Clerk of Courts, District Attorney's Office, etc. The committee reviewed sentencing options for OWI offenders including: restorative justice circles, Huber, jail, prison, probation, Day Report Center including a specialized OWI tract, ATC and ATC Lite.

Davis said a version of ATC Lite was developed by a judge in Minnesota. Davis followed his example by applying this type of sentencing to four or five low risk offenders allowing them to split their sentence. Offenders see him for sentencing and then return after approximately four, six and ten months to prove they are remaining sober. The sentences are vacated if offenders achieve one year of sobriety.

The workgroup also talked about expanding the Day Report Center by creating a specialized OWI track. It is the same idea of using the leverage of a jail sentence to get people to show they will do what they need to do to remain sober. Offenders in the Day Report Center are referred back to the judges if they are non-compliant with supervision expectations.

WCS is interested in doing restorative justice circles, which are similar to victim impact meetings, for first time offenders. The goal of the program is to reduce the number of OWIs. WCS has gotten feedback from third and fourth offenders wishing they had attended a victim impact panel after their first OWI. Davis does not think the CJCC would become involved in this program. Davis suggested to WCS that they work through the municipal courts to develop this program because very few first time OWI offenders go through the circuit courts.

Davis said implementing ATC Lite would not cost much and we asked WCS to provide estimates for the expansion of the Day Report Center. The current site may become inadequate. The consensus of the Alcohol Workgroup was that these were good ideas.

Benedict said a 12 to 18 month specialized OWI track at the Day Report Center would exceed the maximum length of sentence. Would sentences be given that would last that long and would the sentences be attached to the ATC Lite Program? Davis said the specialized OWI track would be similar to the ATC and ATC Lite with split sentences. Benedict commented it would be bifurcated sentencing over a length of time. Davis said offenders would not have regular appointments unless they made a mistake and fell off the wagon. People's chances of staying sober increase when they remain sober for more than a year. There is the possibility of court involvement but hopefully it could

be avoided. Benedict said fourth time OWI offenders can only be on probation for one year. Davis said the judge or probation and parole could make Day Reporting Center it a condition of probation.

Schuler asked if the Programs and Alternatives Committee should review sentencing options? Dwyer said it would be good to provide committee members copies of the options and explain what is going on. Schuler said Luczaj could review the handout and option at the next Programs and Alternatives Committee meeting.

Davis said he hopes the judges and Bar Association buy into these programs. Proceeding with these programs means there would be more pressure on the courts to use ATC Lite and the specialized track of the Day Report Center.

Benedict said the Public Defender's Office is concerned that program fees not become a barrier and that assessed fees are not higher than the cost of being in Huber. Davis said this is not for every offender. Some people just want to do their time and not participate in any programming. He agrees the fees should be less than the \$21 per day Huber rate. Benedict said the Public Defender's Office supports any effort to divert people from incarceration to treatment.

MOTION: Schuler moved, Dwyer second, to accept the Sentencing Options of OWI Offenders models produced by the Alcohol Workgroup and to urge the CJCC to work to find ways to implement the programs.

Davis said the judges will have to be educated on the new options. WCS is amenable to the changes. Dwyer asked how do we educate the Bar? Davis said to get the message out there we could publish an article in the Bar newsletter, use Bar Association educational opportunities, hold briefings or rely on word-of-mouth with attorneys who handle a larger number of OWI cases.

Dwyer asked how do we track the success of the programs? Davis said the Day Report Center would track the specialized OWI track and the ATC Lite would be tracked through the Clerk of Courts.

Schimel arrived at 8:33 a.m.

Motion carried 6-0.

Review & Consider Motion to Approve 2010 CJCC Fiscal and Programming Recommendations

Schuler reviewed a handout titled CJCC 2010 Fiscal and Programming Recommendations from June 4, 2009. The Programs and Alternatives Committee reviewed the CJCC programs and recommends a 2% increases for the following programs: Intoxicated Driver Intervention, Pretrial Screening, Pretrial Supervision, Operating After Revocation, Alcohol Treatment Court, Adult Community Service Options, Community Transition, Jail ABE, Jail AODA Education and Day Report Center. A 2% increase for these programs would not result in a change of services with WCS. Increases of less than 2% would cause concentrated reductions in staffing in the OWI Program. Additional funding needs to be found to pay for evaluation of the ATC program that was previously covered by grant funding which ended May 31, 2009.

The Jail ABE Program is the only program that is short of their budget target (by \$27K). The funding shortage exists to operate the ABE Program for 2010 at the same level as prior years due to the loss of the Adult Education and Family Literacy Act for Institutionalized Individuals grant funds which was not refunded in 2008. WCTC is currently working to find funds to restore this grant funding from a variety of sources. The funding shortfall represents a serious loss of programming if not restored.

The Programs and Alternatives Committee recommends a 0% increase for 2010 for the Facilitated

Employment Program for Offenders. The WOW Workforce Development Board submitted a 2010 appropriations request to Senator Kohl's office to sustain and expand this program to include a vocational training component for the amount of \$483,417.

Davis said the recommendations look good to him. He is amazed with the service we get from WCS. The level of increases plus the maintenance of services is amazing.

Schuler said the CJCC Executive Committee will vote on these recommendations at the July 13 meeting and the CJCC will take it up on July 29.

Vrakas said he is concerned about the Jail ABE Program. His staff is working on it.

Review & Consider Motion to Approve Recommendations from Strategic Planning

Dwyer congratulated Davis for bringing so many people to the meeting. Overall it was by far the most successful strategic planning session. Everyone participated and provided good results. Eighty to ninety percent of the people stayed the whole day. A three-hour session would have been better than the all-day session which was too long. Dwyer thinks the CJCC strategic plan should be reviewed every three years. In the mean time, we need to track what we have done.

Schuler said he thought there was a fantastic level of participation and interest with new ideas and affirmations. It was exiting to look at the list of things we could do or do better. Schuler said he thinks the interim years could focus on strategic directions.

Benedict said he thought the pace was just a little more than sustainable and exhausting. The group needed more time to chit chat. The outcomes were more related to process issues rather than substance issues. They could have spent more time on the values we want focused on in programming. The survey touched on it but it was barely discussed in the planning session. He thinks CJCC strategic planning should be done every three years with a lighter version done in May.

Schuler said in the beginning he was worried that all the new people would delay the process because they would need to be brought up to speed. There were so many good things about the process and that was not an issue. He was surprised at how much people already knew about the CJCC.

Vrakas said it was helpful bringing everyone together.

Dwyer said he would like more time to review the document before he could move on the recommendations.

Update on CJCC Citizen Member Vacancy

Davis said Vrakas recommended Joanne Huelsman for the CJCC citizen member vacancy. Huelsman emailed that she would be interested in discussing membership when she returns to town June 20. He asked the committee to submit names for possible membership to him or Luczaj.

Dwyer asked if any announcements or press releases have been sent out indicating a need for committee members? The last time we filled a position, the committee selected a member from a list of candidates.

Closed Session

MOTION: Dwyer moved, Benedict second, to move into closed session pursuant to Wis. Stat. 19.85(1)(c) to consider employment promotion compensation and performance evaluation data of a public employee over which the committee has jurisdiction and exercises responsibility. Motion carried 6-0.

Without objection, the committee returned to open session.

Next CJCC Executive Committee Meeting:

- Monday, July 13, 2009 @ 8:30 am, Room C179

The meeting adjourned at 9:40 a.m.